

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL D. MOSS,
Plaintiff,

v.

**SAL LAPIO, INC., doing business as “SAL
LAPIO HOMES,” and
SCHLOUCH, INC.,**
Defendants.

CIVIL ACTION

NO. 19-3210

ORDER

AND NOW, this 15th day of June, 2020, upon consideration of Motion of Defendant Schlouch Incorporated to Dismiss Plaintiff’s Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6) (Document No. 12, filed November 15, 2019), Defendant Sal Lapio, Inc. d/b/a Sal Lapio Homes’ Motion to Dismiss Plaintiff’s Complaint Under Federal Rules of Civil Procedure 12(b)(1) and (6) (Document No. 13, filed November 15, 2019), and Plaintiff’s Joint Response to Motions to Dismiss by Defendants Schlouch, Inc. (Document No. 12) and Sal Lapio Inc. (Document No 13) (Document No. 14, filed November 29, 2019), for the reasons stated in the Memorandum dated June 15, 2020, **IT IS ORDERED** that defendants’ motions to dismiss are **DENIED** as follows:

1. Those parts of defendants’ motions seeking dismissal of plaintiff’s claims for lack of subject matter jurisdiction are **DENIED WITHOUT PREJUDICE** to defendants’ right to raise that issue after completion of discovery by motion for summary judgment and/or at trial if warranted by the facts and applicable law as set forth in the accompanying Memorandum dated June 15, 2020.

2. Defendants’ motions are **DENIED** in all other respects.

IT IS FURTHER ORDERED that a Preliminary Pretrial Conference will be scheduled

in due course. Discovery may proceed in the interim.

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.